

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL, LLC, GOOGLE, INC., MICROSOFT  
CORP., and MIVA, INC.,

Defendants.

**CASE NO. 2:07-cv-582 JBF/TEM**

**DECLARATION OF ANTONIO R. SISTOS  
IN SUPPORT OF DEFENDANTS' OPENING BRIEF ON CLAIM CONSTRUCTION**

I, Antonio R. Sistos, declare and state as follows:

1. I am attorney associated with the law firm Quinn Emanuel Urquhart Oliver & Hedges, LLP and represent defendants Google, Inc. ("Google") and AOL LLC ("AOL") in this action.
2. This declaration is made in support of Defendants' Joint Opening Brief on Claim Construction.
3. Attached hereto as Exhibit 1 is a true and correct copy of United States Patent No. 7,225,151, entitled "Online Auction Bid Management System and Method," ("the '151 Patent") which is the asserted patent in the above-captioned action.
4. Attached hereto as Exhibit 2 is a true and accurate copy of the file history of the '151 patent, as it was produced by the Plaintiff, Bid For Position, LLC to Google.
5. Attached hereto as Exhibit 3 is a true and accurate copy of selected excerpts of the transcript (uncertified) of the deposition of Brad S. Konia taken on May 7, 2008, including pages 12-17, 104-105, 119, 243-244, 247, 252-253, 257, 261, 263-264.

6. Attached hereto as Exhibit 4 is a true and correct copy of United States Patent No. 6,269,361, entitled "System and Method for Influencing a Position on a Search Result List Generated by a Computer Network Search Engine."

7. Exhibit 5 has been intentionally skipped.

8. Attached hereto as Exhibit 6 is a true and accurate copy of an excerpt from The Microsoft Computer Dictionary, Copyright 1999, including the definition of the term "input device."

9. Attached hereto as Exhibit 7 is a true and accurate copy of Bid For Position's Responses to Google's First Set of Interrogatories, dated April 8, 2008.

10. Attached hereto as Exhibit 8 is a true and accurate copy of Bid For Position's Responses to Microsoft's First Set of Interrogatories, dated April 8, 2008.

11. Attached hereto as Exhibit 9 is a true and accurate copy of Bid For Position's Responses to MIVA's First Set of Interrogatories, dated April 8, 2008.

I hereby affirm, under the penalty of perjury of the laws of the United States, that the foregoing states are true and correct.

Dated: May 12, 2008

  
\_\_\_\_\_  
Antonio R. Sistos

Dated: May 12, 2008

Respectfully submitted,

/s/

Stephen E. Noona

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## **CERTIFICATE OF SERVICE**

I hereby certify that on May 12, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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